

Application number 10/528,513

REQUEST THAT RESTRICTION REQUIREMENT BE WITHDRAWN

The undersigned is in receipt of the Office Action dated March 23, 2009 in this patent application.

The Office Action purports to impose a Restriction Requirement under 35 USC section 121.

The attention of the Examiner is respectfully drawn to the fact that the present application was filed under 35 USC section 371. As such, it is improper for the USPTO to attempt to apply 35 USC section 121 to this application. MPEP section 1896. For this reason alone, the Restriction Requirement must be withdrawn and it is requested that this be done immediately.

In this Restriction Requirement, the Examiner puts forth the view that “there would be a serious search and examination burden” to examine all of the pending claims if restriction were not required. This view is in error, for the simple reason that the Examiner has already searched and examined all of the pending claims in this very patent application.

The Examiner searched all of the pending claims in this patent application on November 8, 2004. Attached for convenient reference is a copy of the Examiner's International Search Report of that date. It is noted that the Examiner did not find a lack of unity of invention when searching these claims in 2004.

The Examiner examined all of the pending claims in this patent application on February 17, 2005, and found every pending claim to be novel, to possess an inventive step, and to have industrial applicability. Attached for convenient reference is a copy of the Examiner's Preliminary Examination Report of that date. It is noted that the Examiner did not find a lack of unity of invention when examining these claims in 2005.

Respectfully submitted,

/s/

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PTO Reg. No. 32746